In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.2120 of 1999

Date of Decision: 4.12.2006

Hari Singh Dhaka …Petitioner.

Versus

State of Haryana & Another. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.I.D.Singla, Advocate
for the petitioner.

Mr.Harish Rathee, Sr.DAG Haryana
for the respondents.

JUDGMENT

M.M.KUMAR, J. (ORAL)

In pursuance to order dated 14.11.2006, affidavit of Sh.Roop Ram Yadav, Under Secretary to Government Haryana, has been filed in the Court today. Copy thereof has been furnished to the learned counsel for the petitioner. Learned counsel for the petitioner states that except the amount of gratuity, all other amounts have been paid to the petitioner including his pension, leave encashment etc. However, he requests that liberty may be granted to him to challenge the order imposing 5% cut on his pension under Rule 2.2(b) of Punjab Civil Services Rules, Volume-II read with Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987. He HAS also requested that time bound directions be issued to the respondents for release of gratuity.

In view of the above, writ petition is disposed of with a liberty to the petitioner to challenge the order imposing 5% cut on the pension of the petitioner in accordance with law and the amount of gratuity payable to the petitioner shall be paid within a period of two months from today. By taking into consideration the fact that the charge sheet was issued in the year 1994 and the enquiry had not been initiated and completed before the superannuation of the petitioner on 31.8.1997 which is sufficient period, we deem it just and appropriate to direct the respondents to pay to the petitioner interest at the rate of 6% per annum from the date the payment of pension and pensionary benefits were payable till the date it is actually paid.

The petition stands disposed of in the above terms.

(M.M.KUMAR)
Judge

December 4, 2006 **(M.M.S.BEDI)**
dkb **Judge**